IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15666 of 2004

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAMABEN RAMESHKUMAR BHAGDE

Versus

RAJKOT COMMERCIAL COOPERATIVE BANK LTD

Appearance:

MR BAIJU JOSHI for Petitioner No. 1

PS GOGIA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 27/12/2004

ORAL JUDGEMENT

RULE. Mr. Gogia waives service of rule on behalf of the respondents.

2. Heard the learned advocates for the respective parties. After arguing the matter at length, a consensus

has been arrived at and on the basis of such consensus, the following order is passed.

2.1. The order passed by the Tribual is modified to the extent that the petitioner shall deposit 33% of the decretal amount either by way of Demand Draft or purusuant to the disposing of the property as reflected in the advertisement at annexure-I to the petition. Such payment shall be made on or befoe 15th Feburay 2005. It is hoped that before confirming the sale, the Bank shall inform the same to the petitioner and three days' time will be granted and the petitioner shall also follow the same procdure. It is hoped that the Bank shall adhere to the upset price as referred to in the advertisement.

3. With the above directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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